

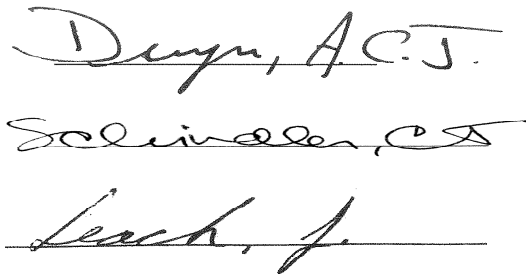
IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

In the Matter of the Personal)	No. 63240-0-I
Restraint of:)	
)	DIVISION ONE
)	
TRUONG V. NGUYEN,)	UNPUBLISHED OPINION
)	
Petitioner.)	FILED: September 28, 2009

PER CURIAM. Truong Nguyen challenges the sentences imposed for Counts X and XIII of the multiple counts of burglary, robbery, and assault on a child he was found guilty of committing in King County No. 03-1-08942-3. His personal restraint petition was referred to a panel of this court for determination on the merits. RAP 16.11(b). The State has now conceded Nguyen is entitled to resentencing on those two counts because the combined terms of standard confinement time and firearms enhancement time clearly exceed the applicable statutory maximum sentence of ten years for those offenses. We accept the concession as well-taken. RCW 9.94A.533(3)(g).

We therefore grant Nguyen's petition and remand this matter to the trial court for resentencing only on Counts X and XIII. All other provisions of Nguyen's judgment and sentence are unaffected.¹

For the court:

Three handwritten signatures in black ink, stacked vertically. The top signature appears to be 'Dwyer, A.C.J.', the middle one 'Schneider, C.J.', and the bottom one 'Leach, J.'.

¹ We accordingly deny Nguyen's motion to modify an earlier ruling by a commissioner regarding the State's briefing in this matter as moot.